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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,714	01/13/2004	Paul Halas	5034-103 US	2905

26817 7590 10/20/2004

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.  
100 THANET CIRCLE, SUITE 306  
PRINCETON, NJ 08540-3674

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/756,714

Applicant(s)

HALAS, PAUL

Examiner

Chapman E Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: patent copy with annotations.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejection under this section made in this office action.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-15, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnett (5450702) . Barnett discloses a molding cap 3 for use with first and second molding 4 and 4a with first and second cross section, respectively. The molding comprises a three dimensional structure comprising:

- A top surface 16;
- A bottom surface 1;
- Side surfaces ; the side surface coupling the top to the bottom surface; see figure 5; see annotations on patent copy;
- The side surface having a first hollow area corresponding to the first cross sectional area and a side surface having second hollow area corresponding to the second cross sectional area; the cap goes over the joint 24/24a and hence covers portion 4 and 4a;
- The first and second molding 4 and 4a is covered by a three dimensional structure; see figures 4 and 5; the cap 3 has a three dimensional structure that straddles the first and second molding. The cap and the three

dimensional structure thereof conceals an end 24 of the first molding 4  
and an end 24a of the second molding 4a;

- The side surfaces comprise a plurality of mostly flat surfaces with first and second hollow areas; see annotations on patent copy; the first hollow area is approximately 90 degrees relative to the second hollow area;
- The first hollow area is oriented approximately 180 degrees relative to the second hollow area; see annotations on patent copy;
- The first hollow area is oriented at an obtuse angle relative to the second hollow area; see annotations on patent copy;
- The top surface 16 comprises a three dimensional decorative surface; see figure 5;
- The 3-D structure 3 is secured such that the first molding is permitted to slide within the first hollow area and the second molding is permitted to slide within the second hollow area;
- The first and second hollow areas define mirrored areas; see annotations on patent copy;
- The first hollow area and the second hollow area extend into 3-D structure at least as large as the corresponding area defined at the side surface; see figure 5;

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett in view of Weiss et al (5921056). Barnett does not include a pilot hole in the top surface of the cap for a fastener to secure to the three dimensional structure. Weiss discloses a connector or cap with a hole 301 for a fastener to further anchor the connector to the frame in a secure manner. It would have been obvious to one of ordinary skill in the art to modify Barnett to include the hole for a fastener for a cap in order to provide a strong attachment of the cap to the molding as shown by Weiss et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/<sup>7561714</sup>~~222225~~  
Art Unit: 3635

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Jeanette Chapman*  
*Primary Examiner*  
*Art Unit 3635*

